

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Johns Manville Plant #1  
Waterville, Ohio

Proceedings Pursuant to  
Section 113(a)(1) of the  
Clean Air Act, 42 U.S.C.  
§ 7413(a)(1)

)  
)  
) **NOTICE OF VIOLATION**  
)  
) **EPA-5-01-OH-14**  
)  
)  
)  
)  
)  
)

**I. STATUTORY AUTHORITY**

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Johns Manville Plant #1 (JM) located at 6050 River Road, Waterville, Ohio (the Facility) is violating the Prevention of Significant Deterioration (PSD) rules in the Ohio State Implementation Plan (SIP), as follows:

**II. APPLICABLE STATUTES AND REGULATIONS**

1. Section 110 of the Act, 42 U.S.C. § 7410, requires States to adopt, and submit to the U.S. EPA for approval, State Implementation Plans (SIPs) providing for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by U.S. EPA pursuant to Section 109 of the Act, 42 U.S.C. § 7409. U.S. EPA has promulgated NAAQS for, among other pollutants, volatile organic compounds (VOCs).
2. Part C of the Act, 42 U.S.C. §§ 7470-7491, requires the Administrator to promulgate regulations to prevent the significant deterioration of air quality in areas designated as attainment or unclassifiable in accordance with Section 107(d) of the Act, 42 U.S.C. § 7407(d). In accordance with the Act, the Administrator promulgated regulations at 40 C.F.R. § 51.166 setting forth SIP approval requirements for the prevention of significant deterioration of air quality.
3. Section 161 of the Act, 42 U.S.C. § 7471, and 40 C.F.R. § 51.166(a)(1), require the States to submit SIPs containing emission limitations and other measures necessary to prevent

the significant deterioration of air quality. Pursuant to Section 110(a) of the Act, 42 U.S.C. § 7410(a), the Administrator determined the Ohio SIP did not satisfy the measures required to ensure the prevention of significant deterioration of air quality. As a result, the Administrator disapproved the PSD portion of the Ohio SIP, 40 C.F.R. § 52.1884(a).

4. In accordance with Section 110(c) of the Act, 42 U.S.C. § 7410(c), and 40 C.F.R. § 52.21(a), the Administrator incorporated the provisions of 40 C.F.R. § 52.21(b) through (w) (PSD Regulations) as part of the Ohio SIP, 40 C.F.R. § 52.1884(b). 45 Fed. Reg. 52741 (August 7, 1980) and 46 Fed. Reg. 9584 (January 29, 1981).
5. "Major stationary source" is defined at 40 C.F.R. § 52.21(b)(1)(i) as, among other things, any glass fiber processing plant that emits or has the potential to emit, 100 tons per year of any air pollutant subject to regulation under the Act.
6. "Major modification" is defined at 40 C.F.R. § 52.21(b)(2)(i) as "any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act."
7. 40 C.F.R. § 52.21(b)(2)(ii) states that "any net emissions increase that is significant for VOCs shall be considered significant for ozone."
8. "Construction" is defined at 40 C.F.R. § 52.21(b)(8) as "any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions."
9. "Begin actual construction" is defined at 40 C.F.R. § 52.21(b)(11) as "initiation of physical onsite construction activities on an emissions unit which are of a permanent nature."
10. "Significant" is defined at 40 C.F.R. § 52.21(b)(23)(i) as "net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:" including but not limited to: ". . . 40 [tons per year (tpy)] of volatile organic compounds for Ozone."

11. "Best available control technology" is defined at 40 C.F.R. § 52.21(b)(12) as "an emissions limitation . . . based on the maximum degree of reduction for each pollutant subject to regulation under the Act which would be emitted from any proposed stationary source or major modification which the Administrator, . . . , determines is achievable for such source or modification . . . ."
12. 40 C.F.R. § 52.21(i) states "no stationary source or modification to which the requirements of paragraphs (j) through (r) of this section apply shall begin actual construction without a permit which states that the stationary source or modification would meet those requirements."
13. Section 165(a) of the Act states, *inter alia*, that no major emitting facility may be constructed or modified unless a permit has been issued in accordance with requirements of Part C [PSD Regulations] of the Act.
14. Lucas County, in which the Facility is located, is an area presently classified as attainment for VOCs as ozone. 40 C.F.R. Subpart B, § 81.336.
15. 40 C.F.R. § 52.23 provides, *inter alia*, that failure to comply with any provisions of 40 C.F.R. Part 52, or with any approved regulatory provision of a SIP or with any permit condition, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP, subjects the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act.

### **III. FINDINGS**

16. JM owns and operates a marble melt t-glass (t-glass) operation at the Facility.
17. The Facility is a major stationary source because it emits over 100 tpy each of particulate matter, nitrogen oxides, and sulfur dioxide.
18. The t-glass machine electrically melts glass marbles to begin a process that produces glass fibers. Each t-glass machine is housed in the same room at the Facility. Under each t-glass machine, holes have been cut into the floor of

the loft and the ground floor. The holes allow the melted glass stream produced by the t-glass machine to flow in a line through the floors down to processing.

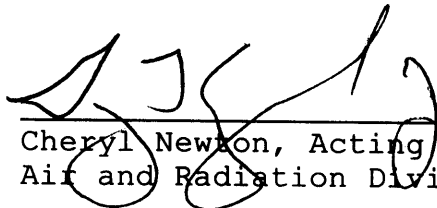
19. On March 8, 2000, JM received a Final Permit to Install (Permit) from OEPA that allowed for the installation of seven t-glass machines (OEPA emissions unit ids P046 - P052) at the Facility.
20. On March 21, 2001, U.S. EPA conducted an inspection of the Facility. During the inspection, U.S. EPA identified seven installed t-glass machines.
21. During the March 21, 2001 inspection, U.S. EPA also identified an eighth t-glass machine and noted that actual construction had begun for installation of the eighth t-glass machine.
22. The Permit allowed emissions from each t-glass machine of 5.51 tons of VOCs per 12-month rolling summation. The total allowable emissions of VOCs based on the individual allowable emissions of the seven permitted t-glass machines was 38.57 tpy.
23. Using the Permit's VOC emission rate of 5.51 tons from each t-glass machine per 12-month rolling summation, VOC emissions from eight t-glass machines would total 44.08 tpy.
24. The installation of the eight t-glass machines at the Facility is a physical change in or a change in the method of operation at the Facility and is, therefore, a "major modification" at the Facility as that term is defined at 40 C.F.R. § 52.21(b)(2).
25. The installation of the eight t-glass machines at the Facility will result in a significant net emissions increase of 40 tpy or more of VOCs.
26. Emissions from JM's t-glass operation are subject to the PSD regulations in the Ohio SIP 40 C.F.R. § 52.1884.

#### **Violations**

27. JM began actual construction of the t-glass operation at the Facility prior to obtaining a PSD permit in violation of the requirements of the Ohio SIP as found at 40 C.F.R. § 52.1884 incorporating 40 C.F.R. § 52.21(i).

28. JM failed to apply BACT for VOC emissions for its t-glass operation at the Facility in violation of the requirements of the Ohio SIP as found at 40 C.F.R. § 52.1884 incorporating 40 C.F.R. § 52.21(j)(3).

5/10/01  
Date

  
FOR  
Cheryl Newton, Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

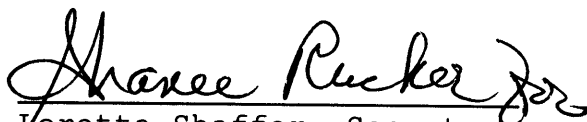
I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-01-OH-14, by Certified Mail, Return Receipt Requested, to:

Steven Shelt, Complex Environmental Specialist  
Johns Manville, Inc  
6050 River Road or 7500 Dutch Road  
Waterville, Ohio 43566

I also certify that I sent copies of the Notice of Violation by first class mail to:

Karen Granata, Administrator  
City of Toledo  
Division of Environmental Services  
348 South Erie Street  
Toledo, Ohio 43602

on the 11<sup>th</sup> day of May, 2001.

  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7099340000095811963